

REMARKS

Claims 1-11 are pending.

I. Allowable Subject Matter

The Office Action states that claims 6-8 and 11 present allowable subject matter, and would be allowable if rewritten in independent form to overcome the rejections under 35 USC § 112 (see Sections II and III, below), incorporating the features of the claims from which they depend. Claims 6-8 and 11 have been so amended.

II. Claim Objections

Claims 4-8 and 11 are objected to for informal matters. In response, claims 4, 5 and 8 have been amended in accordance with the Examiner's suggestions.

III. 35 USC § 112

Claim 4-8 and 11 stand rejected under 35 USC § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim that which is considered the invention. In response, the offending phrase has been amended to read "said annular recess."

IV. 35 USC § 102

Claims 1 and 9 stand rejected under 35 USC § 102(b) as allegedly being anticipated by Goldfarb (U.S. Patent No. 3,100,608). The Office Action asserts Goldfarb expressly teaches each feature recited by the rejected claims. Applicant respectfully disagrees and requests reconsideration.

Specifically, present claim 1 (from which claim 9 depends) recites, *inter alia*, a holder for an *identification card*. In contrast, the invention of Goldfarb relates to a buckle and keychain, and neither teaches nor suggests a identification card, nor being capable of being used with an identification card. Thus, Applicant respectfully presents that Goldfarb does cannot expressly teach each feature of claim 1 and/or claim 9.

V. 35 USC § 103

A. Claims 2-5

Claims 2-5 stand rejected under 35 USC § 103(a) as allegedly being unpatentable over Goldfarb in view of Rumpp (U.S. Patent No. 6,302,617). The Office Action asserts Goldfarb teaches each feature of claims 2-5, except for “a clamp element between the holder for the yo-yo for allowing the yo-yo to be releaseably attached to the holder,” for which purpose Rumpp is apparently cited. However, as Rumpp fails to teach or relate to a holder *for an identification card*, this secondary reference fails to cure the deficiency of Goldfarb. Thus, Applicant respectfully presents that each feature of claims 2-5 is neither taught nor suggested by Goldfarb and Rumpp, and no *prima facie* case of obviousness has been made. Reconsideration is respectfully requested.

B. Claim 10

Claim 10 stands rejected under 35 USC § 103(a) as allegedly being unpatentable over Goldfarb in view of Buell (U.S. Patent No. 6,095,567). The Office Action asserts Goldfarb teaches each feature of claim 10, except for “attaching a microchip to the holder,” for which purpose Buell is apparently cited. While Buell teaches to provide a microchip on a key locator 10, the holder for key locator 10 is merely a ring, and possesses none of the features recited by present claim 1. At best, Buell suggests to provide key locator 10 (including microchip 22) on the key ring 38 of Goldfarb, and such a construction fails to include the features of claim 10.

VI. Conclusion

In view of the foregoing, Applicant believes the application is in condition for allowance. An early action indication of such is earnestly solicited. However, if there are any issues that remain unresolved, the Examiner is invited to contact the undersigned to expedite a resolution to such issues. The Commissioner is hereby authorized to charge any underpayment of fees or credit any overpayment of fees in connection with this communication to Deposit Account 19-4375.

Respectfully submitted,



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